

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – October 4, 2005**

**MEMBERS PRESENT**

Kenneth Charest  
Bruce Bell  
Walter Bowditch  
Joseph Herlihy  
William Dobrowolski  
Daniel Shipley

**MEMBERS ABSENT**

James Murphy

**OTHERS PRESENT**

Carol Leighton, Administrator  
Andrew Black, Assistant Attorney General  
Kim Baker-Stetson, Licensing Clerk  
Susan Greenlaw, Board Clerk

**Location:** Kennebec Room      **Start:** 9:05 a.m.      **Adjourn:** 3:30 p.m.

**CALL TO ORDER**

The meeting was called to order at 9:05 a.m.

**AGENDA MODIFICATIONS**

A motion was made by Walter Bowditch to add the following to the agenda; seconded by Daniel Shipley. Unanimous.

- I.      Consent Agreement Counter Proposals
  - A.      #REA-208
  - B.      #REA-209
  - C.      #REA-225

**OLD BUSINESS**

**Action on Minutes of September 13, 2005 Meeting**

A motion was made by Walter Bowditch to approve the minutes of the September 13, 2005 meeting as written; seconded by Daniel Shipley. Bell, Bowditch, Charest, Herlihy, and Shipley voted in the affirmative; none opposed; Dobrowolski abstained. Motion carried.

**Action on Tabled Applications/Items**

Nothing for review.

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**NEW BUSINESS**

**Administrator's Report**

Letter from the Appraisal Subcommittee – Review of Maine's Appraiser Regulatory Program:

- Several individuals currently hold licenses that are prohibited from appraising Federally Related Transactions. The Subcommittee recommended that these licenses contain the statement "Not Eligible to Appraise Federally Related Transactions". These individuals will be asked to return their licenses and will receive licenses containing this statement. In addition, the licensee web site will display the same statement.
- The Board agreed to revise rules to include the term "National" USPAP course as appropriate as part of the next rule making process.
- As recommended by the Subcommittee, the Board will also seek legal advice regarding whether continued renewal of transitional licenses are supported by State law.
- A motion was made by Daniel Shipley to ; seconded by Bruce Bell. Unanimous.

Legislation: January 1, 2008 criteria changes – the Board will be taking the segmented approach for qualifying current licensees and decided on December 31, 2009 as the deadline for licensees to meet the criteria.

The Board's Administrator presented a trainee application in which the applicant did not disclose any convictions; a subsequent criminal background check revealed a 1992 conviction; the applicant amended the application and license was issued. A motion was made by Walter Bowditch to offer a Consent Agreement requiring payment of a \$200 fine; seconded by Daniel Shipley. Unanimous.

**Consent Agreement Counter Proposals**

**#REA-208:** A motion was made by Walter Bowditch to amend the Consent Agreement by reducing the fine to \$1000 and removing the appraisal of the Bar Harbor property from the Agreement; seconded by Daniel Shipley. Bowditch and Shipley voted in the affirmative; Bell, Charest, and Dobrowolski opposed; Herlihy abstained. Motion failed.

A motion was made by Bruce Bell to amend the Consent Agreement by removing the appraisal of the Bar Harbor property; seconded by Walter Bowditch; Bell, Bowditch, Charest, and Dobrowolski voted in the affirmative; Shipley opposed; Herlihy abstained. Motion carried.

**#REA-209:** A motion was made by Daniel Shipley to reject the counter proposal and offer the Consent Agreement as originally proposed; seconded by Walter Bowditch. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**#REA-225:** A motion was made by Joseph Herlihy to offer the Consent Agreement as originally proposed and offer an alternative Consent Agreement requesting admission to violations, permanent surrender and agreement not to reapply for licensure, and \$5000 fine; seconded by Bruce Bell. Charest and Herlihy voted in the affirmative; Bell, Dobrowolski, and Shipley opposed; Bowditch abstained. Motion failed.

A motion was made by Bruce Bell to offer the Consent Agreement as originally proposed and offer an alternative Consent Agreement requesting admission to violations and permanent surrender and agreement not to reapply for licensure; seconded by Daniel Shipley. Charest, Dobrowolski, Herlihy, and Shipley voted in the affirmative; Bell opposed; Bowditch abstained. Motion carried.

**Complaint Officer's Report**

**#REA-216:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-217:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-240:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-241:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-242:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-246:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Bowditch, Charest, and Shipley voted in the affirmative; none opposed; Dobrowolski recused; Herlihy abstained. Motion carried.

**#REA-254:** A motion was made by Walter Bowditch to find grounds for violations of 32 M.R.S.A. §14014(1)(B)(G)(I)(J), and offer a Consent Agreement requiring (1) Admission to violations; and (2) permanent revocation of license; seconded by Bruce Bell. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**Review and Action on Applications and Education**

***New Applications***

<b>NAME</b>	<b>APPLYING TO</b>	<b>ACTION</b>
APPLICANT #1	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = FIRST LIC RAT: 02/03/1998 TO 08/13/1999 AP: 08/13/1999 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH “SOME” MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	<u>OCT 4, 2005</u> – REPORT ON REVIEW OF APPRAISALS – MURPHY. MURPHY NOT PRESENT – REQUESTED WORK FILE.
APPLICANT #2	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = FIRST LIC RAT: 06/19/2002 TO 10/23/2003 AP: 10/23/2003 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH “SOME” MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	<u>OCT 4, 2005</u> – REPORT ON REVIEW OF APPRAISALS – SHIPLEY. A MOTION WAS MADE BY DANIEL SHIPLEY TO DENY PURSUANT TO 32 M.R.S.A. §§14023(5), 14031(1), AND BOARD RULES CHAPTER 200 SECTION 4(B)(2); SECONDED BY WALTER BOWDITCH. UNANIMOUS.
APPLICANT #3	UPGRADE FROM CERTIFIED RESIDENTIAL TO SIT FOR CERTIFIED GENERAL EXAM MIN 180 QE BAL MET? = YES MIN 30 MONTHS EXP MET? = FIRST LIC TRANSITIONAL: 03/29/1991 TO 04/09/1992 CR: 04/09/1992 TO PRESENT HAS MIN 3000 HOURS WK EXP WITH AT LEAST 1500 HOURS OF COMMERCIAL APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	<u>OCT 4, 2005</u> – REPORT ON REVIEW OF APPRAISALS – CHAREST. A MOTION WAS MADE BY KENNETH CHAREST TO DENY PURSUANT TO 32 M.R.S.A. §§14023(1) AND 14030.; SECONDED BY WALTER BOWDITCH. UNANIMOUS.
APPLICANT #4	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = FIRST LIC RAT: 01/14/1993 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH “SOME” MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	<u>OCT 4, 2005</u> – REPORT ON REVIEW OF APPRAISALS – BOWDITCH. A MOTION WAS MADE BY WALTER BOWDITCH TO DENY PURSUANT TO 32 M.R.S.A. §§14023(5), 14031(1), AND BOARD RULES CHAPTER 200 SECTIN 4(B)(2); SECONDED BY WILLIAM DOBROWOLSKI. UNANIMOUS.

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***Request for Reinstatement***

NAME	APPLYING TO	ACTION
APPLICANT #1	ORIG LICENSED VIA RECIPROCITY W/MASS – 04/03/2000 CG1513 LIC EXPIRED 12/31/2003 REQUESTED REINSTATEMENT 09/26/2005 HAS FILED APPLICATION HAS DOCUMENTED CE FOR 2003 RENEWAL HAS PAID 2003 RENEWAL FEE, LATE FEE, NEW APPLICATION FEE, AND NEW LICENSE FEE	<u>OCT 4, 2005</u> – RECOMMEND APPROVAL OF REINSTATEMENT WITH EXPIRATION DATE OF 12/31/2007. A MOTION WAS MADE BY BRUCE BELL TO APPROVE FOR REINSTATEMENT; SECONDED BY WALTER BOWDITCH. UNANIMOUS.

**Correspondence**

Nothing for review.

**Meeting Schedule – 2006**

DATE	TIME	LOCATION
JANUARY 3, 2006	9:00 AM	CENTRAL CONFERENCE ROOM
FEBRUARY 7, 2006	9:00 AM	ANDROSCOGGIN ROOM
MARCH 7, 2006	9:00 AM	ANDROSCOGGIN ROOM
APRIL 4, 2006	9:00 AM	ANDROSCOGGIN ROOM
MAY 2, 2006	9:00 AM	ANDROSCOGGIN ROOM
JUNE 6, 2006	9:00 AM	ANDROSCOGGIN ROOM
JULY 11, 2006	9:00 AM	CENTRAL CONFERENCE ROOM
AUGUST 1, 2006	9:00 AM	CENTRAL CONFERENCE ROOM
SEPTEMBER 5, 2006	9:00 AM	CENTRAL CONFERENCE ROOM
OCTOBER 3, 2006	9:00 AM	CENTRAL CONFERENCE ROOM
NOVEMBER 7, 2006	9:00 AM	CENTRAL CONFERENCE ROOM
DECEMBER 5, 2006	9:00 AM	CENTRAL CONFERENCE ROOM

**Next Meeting Scheduled for November 1, 2005**

**OTHER BUSINESS**

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**ADJOURN**

Being no further board business the meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Susan Greenlaw  
Board Clerk